

Docket No.: MRI0003

In the Preliminary Amendment, the Applicant amended claims 11 and 17 to provide an antecedent basis for "said rails" such that the location of the pivot support could be claimed correctly. Rather than leave the claims as lacking a proper antecedent basis, language was included to provide that antecedent basis and the only language included in amended claims 11 and 17 relates to the position of the pivot point. Even with the inclusion of that language, the patentable element of claims 11 and 17 is and continues to be the pivot support disposed beneath the rails since the addition of language relating to the position of the pivot point does not cause the patentable element of the claims to be changed.

For the above reasons, Applicant requests the Examiner reconsider the withdrawal of claims 11 and 17 from consideration and to include claims 11 and 17 in the elected invention.

The Examiner rejected claims 1, 9-10, 14-16, and 25-27 as being anticipated by U.S. Patent No. 1,730,938 (Kleeb et al.).

Kleeb et al. discloses an automatic saw machine having a saw frame pivotally mounted on a base in which the saw frame includes the saw therein such that the saw is capable of downward movement to cut an item held between a pair of clamping jaws.

Claim 1 calls for an advancing power saw with a structure that is distinct from the structure of Kleeb. The saw blade assembly of Claim 1 is disposed upon the support plate with the support plate being movably disposed on a platform.

Kleeb does not disclose such a structure. The element identified in Kleeb as the platform is disposed proximate the lower portion of the overall structure and there is no support plate disposed on the member 3. Furthermore, there is no support plate upon which is disposed the saw blade assembly of Kleeb. The element identified as the support plate of Kleeb is no more than a pivot point for the saw supported by vertically oriented frame 19 such that the saw may move downward via frame 19 pivoting around pivot point 20. Thus, there is no saw blade assembly disposed upon a support plate that is disposed on a platform. Furthermore, claim 1 also calls for a counterweight arranged to move in a direction opposite to the direction that the support plate moves. Since Kleeb does not disclose such a support plate, then there can be no counterweight which moves in a direction opposite to the direction that the support plate moves. Therefore, Kleeb fails to disclose all elements of claim 1 and as such, claim 1 is not anticipated by Kleeb.

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Claim 14 calls for an advancing power saw with a structure that is also distinct from the structure of Kleeb. The saw blade assembly of Claim 14 includes a platform having a movable support plate and oscillating saw means for cutting the metal objects disposed on the support plate.

The advancing power saw of claim 14, similar to that of claim 1, requires that the oscillating saw means is located on top, the support plate beneath that and the platform at the bottom. The saw of Kleeb does not disclose such a structure. The element identified as the platform is disposed proximate the lower portion of the overall structure and there is no support plate disposed on the member 3. Furthermore, there is no support plate since the element identified as the support plate is no more than a pivot point for the saw supported by vertically oriented frame 19 such that the saw may move downward through frame 19 pivoting around pivot point 20. Thus, there is not a saw blade assembly disposed upon a support plate which is part of the platform. Therefore, Kleeb fails to disclose all elements of claim 14 and as such, claim 14 is not anticipated by Kleeb.

Since claims 9-11 depend from claim 1 and claims 15-17 and 25-27 depend from claim 14, the limitations of claims 1 and 14 are read into the respective dependent claims.

For the above reasons, Applicant submits that claims 1, 9-11, 14-17, and 25-27 are not anticipated by Kleeb et al.

Applicant submits that the application is in condition for allowance and respectfully requests allowance thereof.

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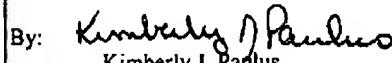
The Examiner is invited to telephone the undersigned if such would be of assistance in expediting prosecution of the application.

Respectfully submitted,



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<p><b>CERTIFICATE OF FACSIMILE TRANSMISSION (37 C.F.R. 1.8(a))</b> U.S. Serial No. 09/751,645</p> <p>I hereby certify that this correspondence is being facsimile transmitted to Examiner Omar Flores-Sánchez, Group Art Unit 3724 at the United States Patent and Trademark Office, at 703-872-9302, on November 13, 2002.</p> <p>By:  Kimberly J. Paulus Registration No. 48,358</p>
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**MARKED VERSIONS OF THE CLAIMS**

11. The power saw of claim 9, further comprising a plurality of rails, at least one of said plurality of rails operatively connected to said support plate,[ and at least one of said plurality of rails operatively connected to said counterweight, whereby said rails are adapted to actuate in opposite directions,] wherein said pivot support is disposed beneath said rails.

17. The power saw of claim 16, further comprising a plurality of rails, at least one of said plurality of rails operatively connected to said support plate,[ and at least one of said plurality of rails operatively connected to said counterweight, whereby said rails are adapted to actuate in opposite directions,] wherein said pivot support is disposed beneath said rails.

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GROUP 3700

Company: United States Patent and Trademark Office

From: Kimberly J. Paulus

Date: November 13, 2002

Comments: In re Application of Delmar Lanzer; Serial No. 09751,645; Files: December 29,2000  
Title:COUNTERBALANCED ADVANCING METAL CUTTING SAW

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